

MARVEL MA,)
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 Plaintiff,)
)
)
 v.) **Case No. 6:11-cv-3048-BP**
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)
 BOARD OF GOVERNORS OF)
 MISSOURI STATE UNIVERSITY,)
)
)
 Defendant.)

COMES NOW Defendant Board of Governors of Missouri State University (the “University” or “MSU”), by and through its attorneys TUETH KEENEY COOPER MOHAN & JACKSTADT, P.C., and hereby moves for an order *in limine* precluding Plaintiff and any witnesses called by Plaintiff from mentioning to the jury or introducing into evidence any matters relating to the following:

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2. Evidence of alleged absences of other COIB instructors and subsequent treatment or discipline;
3. Evidence of salary or pay of COIB instructors other than Plaintiff and any alleged disparate pay among such instructors;
4. Evidence of alleged stray remarks of Dan Shepherd;
5. Evidence of any alleged misconduct of Dan Shepherd unrelated to Plaintiff's termination or employment, including evidence relating to any alleged relationship between Shepherd and a student, evidence relating to Shepherd's relationship with other COIB instructors and staff, and evidence relating to Shepherd's resignation as Associate Dean of the COIB;
6. Evidence of any alleged misconduct of Mike Coutts, including evidence relating to any alleged claims of sexual harassment or any alleged relationship between Coutts and a student;
7. Evidence of any alleged misconduct of other COIB instructors unrelated to missing classes or absenteeism;
8. Evidence regarding the termination or non-renewal of other COIB instructors who are not Chinese;
9. Evidence regarding any complaints from current or former students or instructors regarding the COIB, LNU, or MSU that are unrelated to Plaintiff's claim that he was terminated due to his Chinese race or national origin;
10. Evidence of Plaintiff's performance as an instructor at the COIB unrelated to missing classes or absenteeism;

11. Evidence of MSU's internal audit of the COIB and any other articles, publications, evidence or testimony detailing operational concerns or problems with the COIB;
12. Audio recordings;
13. Evidence of claims for back pay and a housing allowance for any period of time after the term of Plaintiff's 2009-2010 employment contract;
14. Evidence of Plaintiff's attorneys' fees and court costs incurred as part of the litigation he pursued against LNU in China;
15. Evidence of Plaintiff's financial condition;
16. Evidence regarding the University's insurance coverage;
17. Evidence regarding punitive damages;
18. Conclusory statements and speculation, inquiry, or comment about the intent or state of mind of others;
19. Inquiry or comment regarding attorney-client matters;
20. Evidence of settlement offers and responses and discussions related thereto;
21. Inquiry or comment about testimony of other witnesses; and
22. Equally available (or unavailable) evidence.

WHEREFORE, for the reasons set forth herein and in the accompanying Suggestions in Support, which are incorporated herein by reference, the University respectfully requests that the Court enter its order, *in limine*, prohibiting Plaintiff and any witnesses called to testify on behalf of Plaintiff from mentioning or entering into evidence any matters referred to above, and for such further relief as this Court deems just and proper.

Respectfully submitted,

TUETH KEENEY COOPER
MOHAN & JACKSTADT, P.C.

/s/ Ian P. Cooper

Ian P. Cooper #32133
Mollie E. Hennessee #61647
34 N. Meramec, Suite 600
St. Louis, Missouri 63105
Telephone: (314) 880-3600
Facsimile: (314) 880-3601
Email: icooper@tuethkeeney.com
Email: mhennessee@tuethkeeney.com

-and-

Ryan DeBoef #57546
MISSOURI STATE UNIVERSITY
901 South National Ave.
Carrington 205
Springfield, Missouri 65897
Telephone: (417) 836-8503
Facsimile: (417) 836-6777
E-mail: ryandeboef@missouristate.edu

**ATTORNEYS FOR THE BOARD OF GOVERNORS OF
MISSOURI STATE UNIVERSITY**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2nd day of September, 2014, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record. In addition, the foregoing was served by electronic mail upon the following:

Marvel Ma
2019 Weldon Blvd.
Ann Arbor, MI 48103
Email: marvelwork@gmail.com

/s/ Ian P. Cooper
Attorney